

Laurence D. King (SBN 206423)  
Linda M. Fong (SBN 124232)  
Matthew B. George (SBN 239322)  
Mario M. Choi (SBN 243409)  
**KAPLAN FOX & KILSHEIMER LLP**  
350 Sansome Street, Suite 400  
San Francisco, CA 94104  
Telephone: 415-772-4700  
Facsimile: 415-772-4707  
*lking@kaplanfox.com*  
*lfong@kaplanfox.com*  
*mgeorge@kaplanfox.com*  
*mchoi@kaplanfox.com*

Frederic S. Fox (*pro hac vice*)  
Donald R. Hall (*pro hac vice*)  
**KAPLAN FOX & KILSHEIMER LLP**  
850 Third Avenue, 14<sup>th</sup> Floor  
New York, NY 10022  
Telephone: 212-687-1980  
Facsimile: 212-687-7714

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

MARTIN SCHNEIDER, SARAH  
DEIGERT, LAURIE REESE, THERESA  
GAMAGE, TIFFANIE ZANGWILL, and  
NADIA PARIKKA, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

CHIPOTLE MEXICAN GRILL, INC., a  
Delaware Corporation,

Defendant.

Case No. 4:16-cv-02200-HSG (KAW)

**DECLARATION OF LAURENCE D. KING  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION**

Judge: Hon. Haywood S. Gilliam, Jr.  
Date: February 8, 2018  
Time: 2:00 p.m.  
Courtroom: 2, 4th Floor

**REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

1 I, Laurence D. King, declare as follows:

2 1. I am a partner at Kaplan Fox & Kilsheimer LLP ("Kaplan Fox"), counsel for  
3 Plaintiffs Martin Schneider, Sarah Deigert, Theresa Gamage, and Nadia Parikka ("Plaintiffs"). I  
4 submit this Declaration in Support of Plaintiffs' Motion for Class Certification. I have personal  
5 knowledge of the facts stated in this Declaration and, if called a witness, I could and would testify  
6 competently to them.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of the signage entitled "A  
8 Farewell to GMOs," produced by Chipotle in this litigation and bearing the Bates stamp  
9 CMG/7184-000146.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of the signage entitled  
11 "Food with Integrity," produced by Chipotle in this litigation and bearing the Bates stamp  
12 CMG/7184-000145.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of the signage entitled "A  
14 Farewell to GMOs," produced by Chipotle in this litigation and bearing the Bates stamp  
15 CMG/7184-000183-84.

16 5. Attached hereto as Exhibit 4 is a true and correct copy of true and correct copy of  
17 excerpts from the transcript from the Videotape Rule 30(b)(6) Deposition of Ryan Murrin, on  
18 behalf of Chipotle Mexican Grill, Inc., taken May 26, 2017. Because certain parts of Mr.  
19 Murrin's testimony have been marked "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to  
20 file it under seal.

21 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from Defendant  
22 Chipotle Mexican Grill, Inc.'s Responses to Plaintiffs' First Set of Requests for Admission, dated  
23 June 29, 2017.

24 7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from Defendant  
25 Chipotle Mexican Grill, Inc.'s Responses to Plaintiffs' First Set of Interrogatories, dated June 29,  
26 2017.

27 8. Attached hereto as Exhibit 7 is a true and correct copy of an email to Joshua Brau  
28 from "Chipotle Support," dated April 7, 2016, concerning [REDACTED]

1 [REDACTED] produced by Chipotle in this litigation and bearing the Bates stamp CMG\_7184-  
2 008794-95. Because Chipotle has designated this document "HIGHLY CONFIDENTIAL,"  
3 Plaintiffs will seek leave to file it under seal.

4 9. Attached hereto as Exhibit 8 is a true and correct copy of an email to Joshua Brau  
5 from "Chipotle Support," dated September 21, 2015, concerning [REDACTED]  
6 [REDACTED] produced by Chipotle in this litigation from Joshua Brau's custodial files,  
7 and bearing the Bates stamp CMG\_7184-008781. Because Chipotle has designated this  
8 document "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

9 10. Attached hereto as Exhibit 9 is a true and correct copy of an email to Joshua Brau  
10 from "Chipotle Support," dated May 13, 2015, concerning [REDACTED]  
11 produced by Chipotle in this litigation from Joshua Brau's custodial files, and bearing the Bates  
12 stamp CMG\_7184-008707. Because Chipotle has designated this document "HIGHLY  
13 CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

14 11. Attached hereto as Exhibit 10 is a true and correct copy of an email to Joshua Brau  
15 from "Chipotle Support," dated May 21, 2015, concerning [REDACTED]  
16 produced by Chipotle in this litigation from Joshua Brau's custodial files, and bearing the Bates  
17 stamp CMG\_7184-008712-13. Because Chipotle has designated this document "HIGHLY  
18 CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

19 12. Attached hereto as Exhibit 11 is a true and correct copy of an email to Joshua Brau  
20 from "Chipotle Support," dated May 5, 2015, concerning [REDACTED]  
21 [REDACTED] produced by Chipotle in this litigation from Joshua Brau's custodial files,  
22 and bearing the Bates stamp CMG\_7184-008699. Because Chipotle has designated this  
23 document "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

24 13. Attached hereto as Exhibit 12 is a true and correct copy of an email to Joshua Brau  
25 from "Chipotle Support," dated May 4, 2015, concerning [REDACTED]  
26 [REDACTED] produced by Chipotle in this litigation from  
27 Joshua Brau's custodial files, and bearing the Bates stamp CMG\_7184-008692-93. Because  
28 Chipotle has designated this document "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave

1 to file it under seal.

2 14. Attached hereto as Exhibit 13 is a true and correct copy of an email to Joshua Brau  
3 from "Chipotle Support," dated April 27, 2015, concerning [REDACTED] produced by  
4 Chipotle in this litigation and bearing the Bates stamp CMG\_7184-008605. Because Chipotle has  
5 designated this document "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to file it under  
6 seal.

7 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the  
8 transcript from the Videotaped Deposition of Sarah Deigert, taken April 19, 2017.

9 16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the  
10 transcript from the Videotaped Deposition of Martin Schneider, taken April 20, 2017.

11 17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the  
12 transcript from the Videotaped Deposition of Theresa Gamage, taken May 3, 2017.

13 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the  
14 transcript from the Videotaped Deposition of Nadia Maria Parikka, taken May 5, 2017.

15 19. Attached hereto as Exhibit 18 is a true and correct copy of the Declaration of Sarah  
16 Deigert in Support of Plaintiffs' Motion for Class Certification, signed November 15, 2017.

17 20. Attached hereto as Exhibit 19 is a true and correct copy of the Declaration of  
18 Martin Schneider in Support of Plaintiffs' Motion for Class Certification, signed November 14,  
19 2017.

20 21. Attached hereto as Exhibit 20 is a true and correct copy of the Declaration of  
21 Theresa Gamage in Support of Plaintiffs' Motion for Class Certification, signed November 15,  
22 2017.

23 22. Attached hereto as Exhibit 21 is a true and correct copy of the Declaration of  
24 Nadia Parikka in Support of Plaintiffs' Motion for Class Certification, signed November 16,  
25 2017.

26 23. Attached hereto as Exhibit 22 is a true and correct copy of screenshots from  
27 Defendant's website, produced by Chipotle in this litigation and bearing the Bates stamp  
28 CMG\_7184-000001-044.

1           24. Attached hereto as Exhibit 23 is a true and correct copy of the [REDACTED]  
2 [REDACTED] produced by Chipotle in this  
3 litigation from Joshua Brau's custodial files, and bearing the Bates stamp CMG\_7184-007707-43.  
4 Because Chipotle has designated this document "HIGHLY CONFIDENTIAL," Plaintiffs will  
5 seek leave to file it under seal.

6           25. Attached hereto as Exhibit 24 is a true and correct copy of the [REDACTED]  
7 [REDACTED] produced by Chipotle in this litigation from Joshua Brau's custodial files,  
8 and bearing the Bates stamp CMG\_7184-006439-40. Because Chipotle has designated this  
9 document "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

10           26. Attached hereto as Exhibit 25 is a true and correct copy of an email from Joshua  
11 Brau to [REDACTED] dated February 10, 2015, with the subject line [REDACTED]  
12 [REDACTED] with an attachment entitled [REDACTED]  
13 [REDACTED] produced by Chipotle in this litigation from Joshua  
14 Brau's custodial files, and bearing the Bates stamp CMG\_7184-009736-44. Because Chipotle  
15 has designated this document "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to file it  
16 under seal.

17           27. Attached hereto as Exhibit 26 is a true and correct copy of an email from Joshua  
18 Brau to [REDACTED] dated  
19 November 11, 2014, with the subject line [REDACTED] produced by  
20 Chipotle in this litigation from Joshua Brau's custodial files, and bearing the Bates stamp  
21 CMG\_7184-009702. Because Chipotle has designated this document "HIGHLY  
22 CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

23           28. Attached hereto as Exhibit 27 is a true and correct copy of a document entitled  
24 "Guidance for Industry: Voluntary Labeling Indicating Whether Foods Have or Have Not Been  
25 Derived from Genetically Engineered Plants," produced by Plaintiffs, and bearing the Bates  
26 stamp PL 0241-51.

27           29. Attached hereto as Exhibit 28 is a true and correct copy of true and correct copy of  
28 excerpts from the transcript from the Deposition Under Oral Examination of: Joshua Brau, taken

1 July 6, 2017.

2 30. Attached hereto as Exhibit 29 is a true and correct copy of an email from Joshua  
3 Brau to [REDACTED] dated March 13, 2015, with the subject line [REDACTED] produced  
4 by Chipotle in this litigation from Joshua Brau's custodial files, and bearing the Bates stamp  
5 CMG\_7184-024070. Because Chipotle has designated this document "HIGHLY  
6 CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

7 31. Attached hereto as Exhibit 30 is a true and correct copy of true and correct copy of  
8 excerpts from the transcript from the Videotape Deposition of: William Espey, taken June 23,  
9 2017.

10 32. Attached hereto as Exhibit 31 is a true and correct copy of true and correct copy of  
11 excerpts from the transcript from the Confidential Videotaped Deposition of Anna Tou, taken  
12 June 27, 2017.

13 33. Attached hereto as Exhibit 32 is a true and correct copy of an email from Joshua  
14 Brau to [REDACTED] dated April 10, 2015, with the subject line [REDACTED]  
15 [REDACTED] produced by Chipotle in this litigation from Joshua  
16 Brau's custodial files, and bearing the Bates stamp CMG\_7184-023599-601. Because Chipotle  
17 has designated this document "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to file it  
18 under seal.

19 34. Attached hereto as Exhibit 33 is a true and correct copy of an email from [REDACTED]  
20 [REDACTED] to Joshua Brau, dated April 30, 2015, with the subject line [REDACTED]  
21 [REDACTED] produced by Chipotle in this litigation from Joshua Brau's custodial files, and  
22 bearing the Bates stamp CMG\_7184-011833-34. Because Chipotle has designated this document  
23 "HIGHLY CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

24 35. Attached hereto as Exhibit 34 is a true and correct copy of a survey commissioned  
25 by Chipotle, produced by Chipotle in this litigation, and bearing the Bates stamp CMG\_7184-  
26 003790-95. Because Chipotle has designated this document "HIGHLY CONFIDENTIAL,"  
27 Plaintiffs will seek leave to file it under seal.

28 36. Attached hereto as Exhibit 35 is a true and correct copy of a survey commissioned

1 by Chipotle, produced by Chipotle in this litigation, and bearing the Bates stamp CMG\_7184-  
2 001181-87. Because Chipotle has designated this document "HIGHLY CONFIDENTIAL,"  
3 Plaintiffs will seek leave to file it under seal.

4 37. Attached hereto as Exhibit 36 is a true and correct copy of experts from a  
5 document entitled [REDACTED] dated July 10, 2015, produced by Chipotle  
6 in this litigation, and the entire document bearing the Bates stamp CMG/7184-004095-141.  
7 Because Chipotle has designated this document "HIGHLY CONFIDENTIAL," Plaintiffs will  
8 seek leave to file it under seal.

9 38. Attached hereto as Exhibit 37 is a true and correct copy of experts from a  
10 document entitled [REDACTED] dated October 13, 2015, produced by  
11 Chipotle in this litigation, and the entire document bearing the Bates stamp CMG/7184-002484-  
12 561. Because Chipotle has designated this document "HIGHLY CONFIDENTIAL," Plaintiffs  
13 will seek leave to file it under seal.

14 39. Attached hereto as Exhibit 38 is a true and correct copy of experts from a  
15 document entitled [REDACTED] dated January 12, 2016, produced by  
16 Chipotle in this litigation, and the entire document bearing the Bates stamp CMG/7184-002410-  
17 483. Because Chipotle has designated this document "HIGHLY CONFIDENTIAL," Plaintiffs  
18 will seek leave to file it under seal.

19 40. Attached hereto as Exhibit 39 is a true and correct copy of a string of emails, the  
20 first of which is from [REDACTED] to [REDACTED] Joshua Brau, [REDACTED]  
21 [REDACTED] dated June 22, 2015, with the subject line [REDACTED] produced by  
22 Chipotle in this litigation from Joshua Brau's custodial files, and bearing the Bates stamp  
23 CMG/7184-009603-613. Because Chipotle has designated this document "HIGHLY  
24 CONFIDENTIAL," Plaintiffs will seek leave to file it under seal.

25 41. Attached hereto as Exhibit 40 is a true and correct copy of an email from [REDACTED]  
26 [REDACTED] to [REDACTED] and Joshua Brau, dated September 29, 2014, with the  
27 subject line [REDACTED] produced by Chipotle in this litigation from Joshua Brau's  
28 custodial files, and bearing the Bates stamp CMG\_7184-0097803-04. Because Chipotle has

1 designated this document “HIGHLY CONFIDENTIAL,” Plaintiffs will seek leave to file it under  
2 seal.

3 42. Attached hereto as Exhibit 41 is a true and correct copy of the Report of Dr. Jon A.  
4 Krosnick, dated August 11, 2017. Because parts of this report refer to documents that have been  
5 marked “CONFIDENTIAL” and/or “HIGHLY CONFIDENTIAL” by Defendant, Plaintiffs will  
6 seek leave to file parts of the report confidential.

7 43. Attached hereto as Exhibit 42 is a true and correct copy of the Declaration of Colin  
8 B. Weir, dated August 11, 2017. Because parts of this report refer to documents that have been  
9 marked “CONFIDENTIAL” and/or “HIGHLY CONFIDENTIAL” by Defendant, Plaintiffs will  
10 seek leave to file parts of the report confidential.

11 44. To prepare for class certification and trial, Kaplan Fox served requests for  
12 production, requests for admissions, and interrogatories on Chipotle, and reviewed tens of  
13 thousands of pages of documents produced by Chipotle; negotiated a protective order and the  
14 scope of Chipotle’s production of electronically-stored information; retained and consulted with  
15 experts; prepared for and took depositions of Chipotle’s corporate representatives and others  
16 regarding Chipotle’s advertising, marketing and consumer insights; responded to interrogatories,  
17 admissions, and requests for production of documents to the proposed class representatives, and  
18 defended their depositions. Kaplan Fox also opposed Chipotle’s motions to dismiss and engaged  
19 in motion practice concerning, among other things, the timing, nature, and scope of discovery.

20 45. My firm is prepared to continue to devote the resources necessary to represent the  
21 interests of the proposed classes. My firm has committed the necessary attorneys to the litigation,  
22 and will continue to dedicate resources as necessary to take this case through pre-trial, trial, and  
23 any appeals that may arise. In addition, Kaplan Fox has the financial wherewithal to fund the  
24 case and absorb whatever expenses may arise, including expert expenses for the duration of the  
25 case, even if the case were to take several years to resolve. My firm has demonstrated its  
26 willingness to fund complex class action cases to successful conclusion in the past, and will do so  
27 here. Our firm resume, a true and correct copy of which is attached as Exhibit 43, demonstrates  
28 our successful experience prosecuting class actions.



1 I declare under penalty of perjury under the laws of the United States and the State of  
2 California that the foregoing is true and correct.

3 Executed this 17th day of November, 2017, in San Francisco, California.

4  
5 /s/ Laurence D. King  
6 Laurence D. King  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28